

CHAPTER 2
BAIL ENFORCEMENT, PRIVATE INVESTIGATION AND
PRIVATE SECURITY BUSINESSES

[Prior to 4/20/88, see Public Safety Department [680] Ch 2]

661—2.1(80A) Licensing. The administrative services division shall administer the bail enforcement, private investigation and private security statute. Any questions, comments, information, requests for information, or application for a license or an identification card shall be directed to the Department of Public Safety, Field Services Bureau, Wallace State Office Building, Third Floor, Des Moines, Iowa 50319-0045, or, with the exception of applications, by electronic mail via the Internet to piinfo@dps.state.ia.us.

661—2.2(80A) Definitions. As used in this chapter unless the context otherwise requires:

“*Aggravated misdemeanor*” means an offense so defined in Iowa Code.

“*Applicant*” means any person applying to the commissioner for a license, or a permanent identification (ID) card.

“*Assault conviction resulting from domestic abuse*” means a conviction at any level that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

“*Bail enforcement agent*” means a person engaged in the bail enforcement business, including licensees and persons engaged in the bail enforcement business whose principal place of business is in a state other than Iowa.

“*Bail enforcement business*” means the business of taking or attempting to take into custody the principal on a bail bond issued or a deposit filed in relation to a criminal proceeding to ensure the presence of the defendant at trial, but does not include such actions that are undertaken by a peace officer or law enforcement officer in the course of the officer’s official duties.

“*Chief law enforcement officer*” means the county sheriff, or the sheriff’s designee, in the county where the defendant is located, or the chief of police, or the chief’s designee, when the defendant is located within the city limits of a city or town which has a police force.

“*Commissioner*” means the commissioner of the department of public safety or the commissioner’s authorized designee.

“*Convicted*” means a judgment has been entered against the person in a criminal case.

“*Defendant*” means the principal on a bail bond issued or deposit filed in relation to a criminal proceeding in order to ensure the presence of the defendant at trial.

“*Department*” means the department of public safety.

“*Felony*” means an offense defined as a felony by the jurisdiction in which the offense was committed.

“*Judged guilty*” means that a person is charged with a criminal offense and the court finds as a matter of fact and concludes as a matter of law that the individual committed the offense, whether or not the court enters judgment to that effect.

“*Licensee*” means a person licensed under this chapter.

“Moral turpitude” is an act of baseness, vileness, or depravity or conduct which is contrary to justice, honesty, or good morals. The following is a nonexclusive list of examples of moral turpitude:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act or pattern of conduct of harassment or stalking;
3. Any act of sexual misconduct;
4. Any offense with a specific criminal intent;
5. Domestic abuse assault or other assault conviction resulting from domestic abuse.

“Peace officer” means such persons as may be so designated by law and who have the lawful authority and power to so act in the state of Iowa.

“Person” means an individual, partnership, corporation, or other business entity.

“Private investigation agency” means a person engaged in a private investigation business.

“Private investigation business” means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:

1. Crime or wrongs done or threatened.
2. The habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of a person.
3. The credibility of witnesses or other persons.
4. The location or recovery of lost or stolen property.
5. The cause, origin, or responsibility for fires, accidents, or injuries to property.
6. The truth or falsity of a statement or representation.
7. The detection of deception.
8. The business of securing evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.
9. The business of locating owners or heirs of unclaimed funds.

“Private security agency” means a person engaged in a private security business.

“Private security business” means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district.

“Proof of financial responsibility” means proof of the ability of a licensee to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of a bail enforcement business, private security business or a private investigative business in amounts as follows:

1. With respect to agencies holding only a bail enforcement, private investigative or private security agency license and having five or fewer permanent and temporary employees, the amount of \$5,000.
2. With respect to agencies holding more than a single agency license and having five or fewer permanent and temporary employees, the amount of \$10,000.
3. With respect to agencies holding only a bail enforcement, private investigative or private security agency license and having more than 5 and fewer than 30 permanent and temporary employees, the amount of \$20,000.
4. With respect to agencies holding more than a single agency license and having more than 5 and fewer than 30 permanent and temporary employees, the amount of \$30,000.

5. With respect to agencies holding only a bail enforcement, private investigative or private security agency license and having 30 or more permanent and temporary employees, the amount of \$50,000.

6. With respect to agencies holding more than a single agency license and having 30 or more permanent and temporary employees, the amount of \$100,000.

“Reserve peace officer” means a volunteer, nonregular, sworn member of a law enforcement agency who serves under the direction of regular peace officers with or without compensation, has regular police powers while functioning as a law enforcement agency’s representative, and participates on a regular basis in the law enforcement agency’s activities including crime prevention and control, preservation of the peace, and enforcement of law.

“Uniform” means a manner of dress of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public.

661—2.3(80A) Persons exempt. This chapter does not apply to the following:

2.3(1) An officer or employee of the United States, or a state, or a political subdivision of the United States or of a state while the officer or employee is engaged in the performance of official duties.

2.3(2) A peace officer engaged in the private security business or the private investigation business with the knowledge and consent of the chief executive officer of the peace officer’s law enforcement agency.

2.3(3) A person employed full- or part-time exclusively by one employer in connection with the affairs of the employer.